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II

98TH CONGRESS
2D SESSION

S. 2623

To implement the Montreal Convention for the Suppression of Unlawful Acts
Against the Safety of Civil Aviation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 2 (legislative day, APRIL 30), 1984

Mr. THURMOND (for himself and Mr. DENTON) (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To implement the Montreal Convention for the Suppression of
Unlawful Acts Against the Safety of Civil Aviation, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SHORT TITLE

4 SECTION 1. This Act may be cited as the "Aircraft Sab-
5 otage Act".

6 STATEMENT OF FINDINGS AND PURPOSE

7 SEC. 2. The Congress hereby finds that—

8 (a) the Convention for the Suppression of Unlaw-
9 ful Acts Against the Safety of Civil Aviation (ratified

1 by the United States on November 1, 1972), requires
2 each contracting State to establish its jurisdiction over
3 certain offenses affecting the safety of civil aviation;

4 (b) such offenses place innocent lives in jeopardy,
5 endanger national security, affect domestic tranquility,
6 gravely affect interstate and foreign commerce, and are
7 offenses against the law of nations; and

8 (c) the purpose of this Act is to implement fully
9 the Convention for the Suppression of Unlawful Acts
10 Against the Safety of Civil Aviation and to expand the
11 protection accorded to aircraft and related facilities.

12 SEC. 3. (a) Section 31 of title 18, United States Code, is
13 amended—

14 (1) in the first paragraph by—

15 (A) striking out “and” before the term
16 “spare part” and inserting “and ‘special aircraft
17 jurisdiction of the United States’” after the term
18 “spare part”; and

19 (B) striking out “Civil Aeronautics Act of
20 1938” and inserting in lieu thereof “Federal
21 Aviation Act of 1958”;

22 (2) by striking out “and” at the end of the third
23 undesignated paragraph thereof;

24 (3) by striking the period at the end thereof and
25 inserting in lieu thereof “;” ; and

1 (4) by adding at the end thereof the following new
2 paragraphs:

3 “ ‘In flight’ means any time from the moment all the
4 external doors of an aircraft are closed following embarkation
5 until the moment when any such door is opened for disembar-
6 kation. In the case of a forced landing the flight shall be
7 deemed to continue until competent authorities take over the
8 responsibility for the aircraft and the persons and property on
9 board; and

10 “ ‘In service’ means any time from the beginning of pre-
11 flight preparation of the aircraft by ground personnel or by
12 the crew for a specific flight until twenty-four hours after any
13 landing; the period of service shall, in any event, extend for
14 the entire period during which the aircraft is in flight.”.

15 (b) Section 32 of title 18, United States Code, is amend-
16 ed to read as follows:

17 **“§ 32. Destruction of aircraft or aircraft facilities**

18 “(a) Whoever willfully—

19 “(1) sets fire to, damages, destroys, disables, or
20 interferes with the operation of or makes unsuitable for
21 use any aircraft in the special aircraft jurisdiction of
22 the United States or any civil aircraft used, operated,
23 or employed in interstate, overseas, or foreign air
24 commerce;

1 “(2) places or causes to be placed a destructive
2 device or substance in, upon, or in proximity to, or
3 otherwise makes or causes to be made unworkable or
4 unusable or hazardous to work or use, any such air-
5 craft, or any part or other materials used or intended
6 to be used in connection with the operation of such
7 aircraft;

8 “(3) sets fire to, damages, destroys, or disables
9 any air navigation facility, or interferes with the oper-
10 ation of such facility, if such fire, damaging, destroy-
11 ing, disabling, or interfering is likely to endanger the
12 safety of any such aircraft in flight;

13 “(4) with the intent to damage, destroy, or disable
14 any such aircraft, sets fire to, damages, destroys, or
15 disables or places a destructive device or substance in,
16 upon, or in proximity to, any appliance or structure,
17 ramp, landing area, property, machine, or apparatus,
18 or any facility or other material used, or intended to be
19 used, in connection with the operation, maintenance,
20 loading, unloading, or storage of any such aircraft or
21 any cargo carried or intended to be carried on any
22 such aircraft;

23 “(5) performs an act of violence against or inca-
24 pacitates any individual on any such aircraft, if such

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1 act of violence or incapacitation is likely to endanger
2 the safety of such aircraft;

3 “(6) communicates information, knowing the infor-
4 mation to be false, thereby endangering the safety of
5 any such aircraft in flight; or

6 “(7) attempts to do anything prohibited under
7 paragraphs (1) through (6) of this subsection—

8 shall be fined not more than \$100,000 or imprisoned not
9 more than twenty years or both.

10 “(b) Whoever willfully—

11 “(1) performs an act of violence against any indi-
12 vidual on board any civil aircraft registered in a coun-
13 try other than the United States while such aircraft is
14 in flight, if such act is likely to endanger the safety of
15 that aircraft;

16 “(2) destroys a civil aircraft registered in a coun-
17 try other than the United States while such aircraft is
18 in service or causes damage to such an aircraft which
19 renders that aircraft incapable of flight or which is
20 likely to endanger that aircraft's safety in flight;

21 “(3) places or causes to be placed on a civil air-
22 craft registered in a country other than the United
23 States while such aircraft is in service, a device or sub-
24 stance which is likely to destroy that aircraft, or to
25 cause damage to that aircraft which renders that air-

1 craft incapable of flight or which is likely to endanger
2 that aircraft's safety in flight; or

3 “(4) attempts to commit an offense described in
4 paragraphs (1) through (3) of this subsection—

5 shall, if the offender is later found in the United States, be
6 fined not more than \$100,000 or imprisoned not more than
7 twenty years, or both.”.

8 (c) Section 101(38)(d) of the Federal Aviation Act of
9 1958 (49 U.S.C. 1301(38)(d)), relating to the definition of the
10 term “special aircraft jurisdiction of the United States”, is
11 amended—

12 (1) in clause (i), by striking out “; or” and insert-
13 ing in lieu thereof a semicolon;

14 (2) at the end of clause (ii), by striking out “and”
15 and inserting in lieu thereof “or;” and

16 (3) by adding at the end thereof the following new
17 clause:

18 “(iii) regarding which an offense as defined in
19 subsection (d) or (e) of article I, section I, of the
20 Convention for the Suppression of Unlawful Acts
21 Against the Safety of Civil Aviation (Montreal,
22 September 23, 1971), is committed if the aircraft
23 lands in the United States with an alleged offend-
24 er still on board; and”.

1 (d)(1) Chapter 2 of title 18, United States Code, is
2 amended by adding at the end thereof the following new
3 section:

4 **"§ 36. Imparting or conveying threats**

5 "Whoever imparts or conveys any threat to do an act
6 which would be a felony prohibited by section 32 or 33 of this
7 chapter or section 1992 of chapter 97 or section 2275 of
8 chapter 111 of this title with an apparent determination and
9 will to carry the threat into execution shall be fined not more
10 than \$25,000 or imprisoned not more than five years, or
11 both."

12 (2) The analysis of chapter 2 of title 18 of the United
13 States Code is amended by adding at the end thereof the
14 following new item:

"36. Imparting or conveying threats."

15 SEC. 4. (a)(1) Section 901 of the Federal Aviation Act
16 of 1958 (49 U.S.C. 1471) is amended by adding at the end
17 thereof the following new subsections:

18 "(c) Whoever imparts or conveys or causes to be im-
19 parted or conveyed false information, knowing the informa-
20 tion to be false, concerning an attempt or alleged attempt
21 being made or to be made, to do any act which would be a
22 crime prohibited by subsection (i), (j), (k), or (l) of section 902
23 of this Act, shall be subject to a civil penalty of not more
24 than \$10,000 which shall be recoverable in a civil action
25 brought in the name of the United States.

1 “(d) Except for law enforcement officers of any munici-
2 pal or State government or officers or employees of the Fed-
3 eral Government, who are authorized or required within their
4 official capacities to carry arms, or other persons who may be
5 so authorized under regulations issued by the Administrator,
6 whoever while aboard, or while attempting to board, any air-
7 craft in, or intended for operation in, air transportation or
8 intrastate air transportation, has on or about his person or his
9 property a concealed deadly or dangerous weapon, which is,
10 or would be, accessible to such person in flight shall be sub-
11 ject to a civil penalty of not more than \$10,000 which shall
12 be recoverable in a civil action brought in the name of the
13 United States.”.

14 (2) That portion of the table of contents contained in the
15 first section of the Federal Aviation Act of 1958 which ap-
16 pears under the side heading

“Sec. 901. Civil penalties.”

17 is amended by inserting at the end thereof:

“(c) Conveying false information.

“(d) Concealed weapons.”.

18 (b) Section 901(a)(2) of the Federal Aviation Act of
19 1958 (49 U.S.C. 1471(a)(2)) is amended by inserting the
20 words: “penalties provided for in subsections (c) and (d) of
21 this section or” after the words “Secretary of Transportation
22 in the case of”.

1 (c)(1) Section 902(l)(1) of the Federal Aviation Act of
2 1958 (49 U.S.C 1472(l)(1) is amended by striking the term
3 "\$1,000" and inserting in lieu thereof the term "\$10,000".

4 (2) Section 902(l)(2) of the Federal Aviation Act of
5 1958 (49 U.S.C. 1472(l)(2)) is amended by striking the term
6 "\$5,000" and inserting in lieu thereof "\$25,000".

7 (d)(1) Section 902(m) of the Federal Aviation Act of
8 1958 (49 U.S.C. 1472(m)) is amended to read as follows:

9 "FALSE INFORMATION AND THREATS

10 "(m)(1) Whoever willfully and maliciously, or with reck-
11 less disregard for the safety of human life, imparts or conveys
12 or causes to be imparted or conveyed false information,
13 knowing the information to be false, concerning an attempt
14 or alleged attempt being made or to be made, to do any act
15 which would be a felony prohibited by subsection (i), (j), (k),
16 or (l) of this section, shall be fined not more than \$25,000 or
17 imprisoned not more than five years, or both.

18 "(2) Whoever imparts or conveys or causes to be im-
19 parted or conveyed any threat to do an act which would be a
20 felony prohibited by subsection (i), (j), (k), or (l) of this section
21 with an apparent determination and will to carry the threat
22 into execution shall be fined not more than \$25,000 or im-
23 prisoned not more than five years, or both."

24 (2) That portion of the table of contents contained in the
25 first section of the Federal Aviation Act of 1958 which ap-
26 pears under the side heading

"Sec. 903. Criminal penalties."

1 is amended by striking out

"(m) False information."

2 and inserting in lieu thereof

"(m) False information and threats."

3 (e) Subsection (a) of section 1395 of title 28, United
4 States Code, is amended by striking the period at the end of
5 such subsection and adding the following at the end thereof:
6 " , and in any proceeding to recover a civil penalty under
7 section 35(a) of title 18 of the United States Code or section
8 901(c) or 901(d) of the Federal Aviation Act of 1958, all
9 process against any defendant or witness may be served, re-
10 gardless whether authorized under the Federal Rules of Civil
11 Procedure, in any judicial district of the United States upon
12 an ex parte order for good cause shown."

13 (f) The second sentence of section 903(b)(1) of the Fed-
14 eral Aviation Act of 1958 (49 U.S.C. 1473(b)(1)) is amended
15 by striking out "Such" and inserting in lieu thereof "Except
16 with respect to civil penalties under sections 901 (c) and (d)
17 of this Act, such".

18 SEC. 5. This Act shall become effective on enactment.

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